

New Hampshire Retirement System and State Employees' Association of New Hampshire, Inc., SEIU Local 1984, Decision No. 2013-262 (Case No. G-0100-3).

The New Hampshire Retirement System (NHRS) filed a petition for modification requesting that certain positions be added to the positions specifically excluded from the existing bargaining unit. The NHRS argued that the Team Leads, Public Information Officer, and the Controller were supervisors within the meaning of RSA 273-A:8, II; that the Process Improvement Manager, the Project Manager, and the Public Information Officer were confidential employees within the meaning of RSA 273-A:1, IX (c); and that the newly-created position of Regulatory Compliance Officer/Staff Attorney was confidential and professional position that did not share a community of interest with the exiting bargaining unit. The Union objected to the petition and argued, among other things, that the circumstances had not changed to a degree warranting modification of the unit as required under Pub 302.05 and that the positions at issue were not supervisory, confidential or otherwise inappropriate so as to warrant the exclusion from the bargaining unit.

The NHRS' request to exclude the positions of Retiree Services Team Lead, Employer Auditing Team Lead, Employer Reporting Team Lead, Member Accounts Team Lead, and Public Information Officer on the ground that they were supervisory employees was denied because the evidence was insufficient to prove that the circumstances have changed since the prior representation proceedings to a degree warranting modification of the existing bargaining unit. The NHRS' request to exclude the Controller position on the ground that the Controller was a supervisory employee was denied because the evidence was insufficient to prove that the Controller exercised supervisory authority involving the significant exercise of discretion within the meaning of RSA 273-A:8, II. The NHRS' request to exclude the positions of Process Improvement Manager, Project Manager, and Public Information Officer on the ground that they were confidential employees was denied because the evidence was insufficient to prove that these employees were confidential employees within the meaning of RSA 273-A:1, IX (c). The NHRS' request to exclude the position of Regulatory Compliance Officer/Staff Attorney on the ground that this position was confidential was granted.

Disclaimer: This summary is intended to provide a brief description of the issues in this case and the outcome. The summary is not a substitute for the decision, should not be relied upon in place of the decision, and should not be cited as controlling or relevant authority in PELRB proceedings or other proceedings.